REMARKS

Claims 2-3, 6-8, and 13-16 are currently pending in the application. Claims 3, 8, and 13 have been amended.

Claims 2-3, 6-8, and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6678855 (Gemmell) in view of U.S. Patent No. 6505253 (Chiu), in view of U.S. Patent No. 6122483 (Lo).

More specifically, the Examiner states that Chiu discloses "estimating a processing time" (column 35, lines 35-40, 'TTL scope,' column 16, lines 30-35) "required to handle each single response from the delivery destinations" (column 22, lines 25-30).

Applicants respectfully submit that in column 35, lines 35-40, Chiu mentions "TTL scope" that is enough for retransmissions to reach the head's farthest RxGroup-member. While Chiu does not explain what the TTL is, Applicants respectfully submit that "TTL" refers to "time to live," a limit on the number of transmissions that a packet can experience before it should be discarded. The sender of packets specifies TTL of the packets by estimating how long they have to survive to reach their intended destinations.

According to claim 13, in contrast, the computer, that is, the sender of packets, estimates "a processing time required for the computer to process each single response which the delivery destinations are supposed to send back to the computer upon receipt of each group of packets" [emphasis added]. The "TTL scope" of Chiu in the sense described above does not teach the claimed "processing time," while Chiu may suggest that some time parameter must be large enough for some purpose.

In column 16, at lines 25-31, Chiu describes a congestion report that comes from a receiver in the leaf of the reporting tree, which may help the estimation of time for doing retransmission. In Chiu, however, the sender of packets can calculate a time for doing retransmission only after a congestion report (response) comes from the receiver of the packets, as the calculation of a required retransmission time needs the information about how many packets are missing at the receiving end, and it is the congestion report that provides the sender with such information (see Chiu, column 16, lines 27-29, "If the congestion report comes from a receiver in the leaf of the tree, it may contain the number of missing packets at this receive").

In contrast, claims 8 and 13 (as amended), recites that the computer (the sender of packets) estimates its processing time for a response "before sending the groups of data packets to the delivery destinations" [emphasis added]. The above-identified phrase recited in

the estimating operation of claims 8 and 13 means that the claimed estimation is performed before a response comes from the delivery destinations (since the sender of a packet cannot receive a response before that packet is sent out) and thus, differentiates claims 8 and 13 from Chiu's calculation of a required retransmission time.

In column 16, lines 32-34, Chiu says: "the congestion report may contain a time estimate when it comes from an interior node of the reporting tree." Here, Chiu suggests that an interior node may calculate a required retransmission time based on a congestion report from a receiver. Applicants submit that this calculation can happen only after the packets are transmitted from the sender, for the same reason as in the case of a congestion report coming from a leaf of the reporting tree. The claimed estimation of a processing time occurs "before sending the groups of data packets to the delivery destinations" and is not disclosed or suggested by the cited sections of Chiu.

In the third paragraph on page 5 of the Office Action, the Examiner alleged that Lo disclosed "calculating a total response processing time in proportion to the estimated processing time per response and the number of delivery destinations response." The Examiner appears to allege that the timer interval of Lo is relevant to the present invention.

Applicants respectfully submit that the combination of references also fails to disclose or suggest, "estimating a processing time required for the computer to process each single response." In column 9 at lines 29-32, Lo recites, "[t]he timer interval is one which is adequately long for each of the recipient subscriber units receiving a multicast message being transmitted on a previously specified traffic channel to respond." Therefore, the timer interval is determined from how much time each recipient needs to return a response to the sender of the message.

By contrast, the claimed processing time is estimated from how much time the sender of packets needs to process each response from recipients, as can be seen from the claim language. If Lo really taught the claimed estimation of a processing time, the description of Lo would have shown that the time interval is determined from how much time the NCC 102 needs to process each acknowledge signal from subscriber units. Lo, however, does not determine the timer interval in such a manner.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.
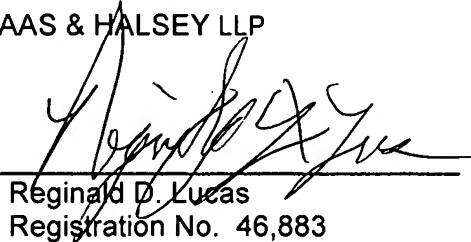
Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 7-9-07

By: _____
Reginald D. Lucas
Registration No. 46,883

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

7